

RECEIVED
CENTRAL FAX CENTER
SEP 15 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Patrick D. Smith
Application No. 09/712,812
Filed: November 13, 2000
Title: NETWORK QUALITY OF SERVICE LOCALIZER
Art Unit: 2631
Examiner: Kevin Michael Burd
Docket No.: PD05924AM P01

Via Facsimile 703-872-9306
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NEW OATH/DECLARATION

Sir:

In response to the final Office Action, dated April 1, 2003, requirement for a corrected oath/declaration, as noted in paragraph 4 of the Action, is acknowledged. A new duly executed declaration for the above referenced application is filed herewith accordingly. This new declaration correctly claims priority to U.S. patent application 09/571,068 filed 05/15/2000 and 09/470,890 filed 12/22/1999.

Applicant respectfully requests that the enclosed declaration replace the declaration originally filed.

09/470,890

If a telephone conference would facilitate examination of this application in any way, the Examiner is invited to contact Applicants' undersigned attorney. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,

By: Karin L. Williams Date 9/14/04
Karin L. Williams, Attorney for Applicant
Reg. No. 36,721

Mayer Fortkort & Williams PC
251 North Avenue West, 2nd floor
Westfield, NJ 07090
Telephone: 908-518-7700
Fax: 908-518-7795

Certificate of Facsimile

I hereby certify that this correspondence and any document referenced herein is being sent by facsimile to the United States Patent and Trademark Office at 703-872-9306 on 9/13/04.

Debra Rosenbaum

(Name of Person Transmitting Correspondence)

Debra Rosenbaum
(Signature)

Docket: PD05924AMP01

Page 1 of 3

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

Declaration and Power of Attorney For Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NETWORK QUALITY OF SERVICE LOCATOR

the specification of which

☐ is attached hereto.

☒ was filed on November 13, 2000 as

Application Serial No.: 09/712,812

and was amended on: 01/12/2003, 08/01/2003, 03/01/2004 and 08/05/2004
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

NONE

I hereby claim the benefit under Title 35 USC 119(e) of any United States provisional application(s) listed below:

NONE

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/571,068 filed 05/15/2000

09/470,890 filed 12/22/1999

Page 2 of 3

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and or agents(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith, and all business related to non-United States national, regional, and international patent applications corresponding therewith.

Stuart H. Mayer, Esq.	(Reg. No. 35,277)
Karin L. Williams, Esq.	(Reg. No. 36,721)
Michael P. Fortkort, Esq.	(Reg. No. 35,141)
David B. Bonham, Esq.	(Reg. No. 34,297)
Heather L. Mansfield, Esq.	(Reg. No. 39,157)
Keum J. Park, Esq.	(Reg. No. 42,059)

Please address all correspondence to: Karin L. Williams, Esq.
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Direct all telephone calls to: Karin L. Williams, Esq.
(908) 518-7700 Telephone
(908) 518-7795 Facsimile

CUSTOMER NUMBER 27774

I also hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John V. Silverio	Reg. No. 34,014
Esteban Rockett	Reg. No. 55,578

Whose address is as follows:

Motorola, Inc., Broadband Communications Sector
101 Tournament Drive
Horsham, PA 19044
Telephone: (215) 323-1000
Fax: (215) 323-1300

SIGNATURE PAGE

Page 3 of 3

1. Full name of first joint inventor: Patrick D. Smith

Inventor's signature ✓ _____

Date ✓ _____

Residence: Deerfield, Illinois

Citizenship: USA

Post Office Address: 927 Rosemary Terrace
Deerfield, Illinois 60015

2. Full name of second joint inventor: Robert G. Uskali

Inventor's signature ✓ Robert G. Uskali

Date ✓ 8-23-04

Residence: Schaumburg, Illinois

Citizenship: USA

Post Office Address: 1504 Coventry Road
Schaumburg, Illinois 60195

Docket: PD05924AMP01
Page 1 of 3**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****Declaration and Power of Attorney For Patent Application**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NETWORK QUALITY OF SERVICE LOCATOR

the specification of which

☐ is attached hereto.

☒ was filed on November 13, 2000 as

Application Serial No.: 09/712,812

and was amended on: 01/12/2003, 08/01/2003, 03/01/2004 and 08/05/2004
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me that is material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119(a-d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

NONE

I hereby claim the benefit under Title 35 USC 119(e) of any United States provisional application(s) listed below:

NONE

I hereby claim the benefit under Title 35, United States Code, 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/571,068 filed 05/15/2000
09/470,890 filed 12/22/1999

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that those statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and or agents(s) with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the patent, and to transact all business in the Patent and Trademark Office connected therewith, and all business related to non-United States national, regional, and international patent applications corresponding therewith.

Stuart H. Mayer, Esq.	(Reg. No. 35,277)
Karin L. Williams, Esq.	(Reg. No. 36,721)
Michael P. Fortkort, Esq.	(Reg. No. 35,141)
David B. Bonham, Esq.	(Reg. No. 34,297)
Heather L. Mansfield, Esq.	(Reg. No. 39,157)
Keum J. Park, Esq.	(Reg. No. 42,059)

Please address all correspondence to: Karin L. Williams, Esq.
Mayer Fortkort & Williams, PC
251 North Avenue West, 2nd Floor
Westfield, NJ 07090

Direct all telephone calls to: Karin L. Williams, Esq.
(908) 518-7700 Telephone
(908) 518-7795 Facsimile

CUSTOMER NUMBER 27774

I also hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

John V. Silverio	Reg. No. 34,014
Esteban Rockett	Reg. No. 55,578

Whose address is as follows:

Motorola, Inc., Broadband Communications Sector
101 Tournament Drive
Horsham, PA 19044
Telephone: (215) 323-1000
Fax: (215) 323-1300

SIGNATURE PAGE

Page 3 of 3

1. Full name of first joint inventor: Patrick D. Smith

Inventor's signature ✓

Date ✓

8/23/04

Residence: Deerfield, Illinois

Citizenship: USA

Post Office Address: 927 Rosemary Terrace
Deerfield, Illinois 60015

2. Full name of second joint inventor: Robert G. Uskali

Inventor's signature ✓

Date ✓

Residence: Schaumburg, Illinois

Citizenship: USA

Post Office Address: 1504 Coventry Road
Schaumburg, Illinois 60195

251 North Avenue West, 2nd Floor
Westfield, New Jersey 07090
Tel.: (908) 518-7700
Fax: (908) 518-7795

Mayer Fortkort & Williams, PC
Attorneys At Law

RECEIVED
CENTRAL FAX CENTER
SEP 15 2004

Fax

To:	Examiner Kevin Michael Burd	From:	Debra Rosenbaum
Fax:	703-872-9306	Pages (including cover):	9
Phone:		Date:	September 15, 2004
Re:	09/712,812	CC:	

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of the individual or entity to whom it is addressed and others authorized to receive it. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or taking of any action in reliance on the contents of this information is strictly prohibited.

If you received this communication in error, please immediately notify us by a collect telephone call to the writer and return the original message and documents to us at the above address via the United States postal service.

Contents of fax

- Cover
- New Oath/Declaration